

APPEAL NO. 041232
FILED JULY 7, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 21, 2004. The hearing officer determined that the _____, compensable injury of appellant (claimant herein) did not include an injury to the neck. Claimant appealed this determination on sufficiency grounds. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We note that the hearing officer stated in the decision and order that claimant's neck was not mentioned in the medical records for approximately three months. Claimant's Exhibit No. 4 shows that on April 22, 2002, about one month after the injury, it was noted that claimant's neck was stiff and sore. However, we conclude that no reversible error resulted. The hearing officer indicated that she thought that claimant indeed had a neck condition, but that it was degenerative and unrelated to the compensable injury. The hearing officer did not find credible evidence showing a causal connection to the compensable injury. We have reviewed the evidence and we cannot say that reversible error resulted.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**TW
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge